

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

COUNTY OF MONMOUTH and DIANE,
SCAVELLO, individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

RITE AID CORPORATION and RITE AID
HDQTRS. CORP.,

Defendants.

Civil Action No. 2:20-cv-02024-MSG

**JOINT MOTION FOR ENTRY OF STIPULATION REGARDING
STAY OF FURTHER PROCEEDINGS**

Plaintiffs County of Monmouth and Diane Scavello and Defendants Rite Aid Corporation and Rite Aid Hdqtrs. Corp. (“Defendants”) (collectively, the “Parties”), by and through their respective counsel, having stipulated and agreed, subject to the approval of the Court, to the entry of a stipulation and order staying further proceedings in this matter pending the ongoing appeal.

WHEREAS, on April 27, 2020, Plaintiff County of Monmouth, a third-party payor (“Plaintiff Monmouth”), and Plaintiff Diane Scavello, an individual consumer (“Plaintiff Scavello”), filed a class action complaint (ECF No. 1);

WHEREAS, on July 24, 2020, Defendants filed a motion to compel arbitration of Plaintiff Scavello’s claims (ECF Nos. 37-39); on September 2, 2020, Plaintiffs opposed Defendants’ motion to compel (ECF No. 49); and, on September 28, 2020, Defendants filed a reply in further support of their motion to compel arbitration (ECF No. 59);

WHEREAS, on August 14, 2020, Defendants filed a motion to dismiss the amended complaint only as to Plaintiff Monmouth’s claims pursuant to Fed. R. Civ. P. 12(b)(6) (ECF No. 43); on September 29, 2020, Plaintiffs opposed Defendant’s motion to dismiss (ECF No. 60); on

October 13, 2020, Defendants filed a reply in further support of their motion to dismiss (ECF No. 67); and, on March 31, 2023, the Court denied Defendants' motion to dismiss Plaintiff Monmouth's claims (ECF Nos. 114-115);

WHEREAS, on March 31, 2023, after having heard oral argument on March 6, 2023 (ECF Nos. 109-110), the Court issued its opinion denying Defendants' motion to compel arbitration of Plaintiff Scavello's claims (ECF Nos. 112-113);

WHEREAS, on April 7, 2023, Defendants filed a notice of appeal only as to the Court's denial of Defendants' motion to compel arbitration of Plaintiff Scavello's claims;

WHEREAS, on April 19, 2023, the Court ordered that the case be removed from suspense (ECF No. 121);

WHEREAS, the United States Supreme Court issued its opinion in the matter of *Coinbase, Inc. v. Abraham Bielski*, No. 22-105, 2023 WL 4138983, at *7 (U.S. June 23, 2023), whereby it held that "with respect to an interlocutory appeal of a trial court order denying arbitration, a trial court must always 'stay its pre-trial and trial proceedings while the interlocutory appeal is ongoing'";

WHEREAS, the Parties, having met and conferred on this issue, hereby submit that a stay of further proceedings in this matter is warranted in light of the Supreme Court ruling in *Coinbase* and in the best interest of efficient and resourceful use of judiciary and party resources;

IT IS HEREBY STIPULATED AND AGREED by the Parties hereto, through their undersigned counsel and subject to the approval of the Court, as follows:

1. Further proceedings in this case shall be stayed pending resolution of the Defendants' appeal presently before the United States Court of Appeals for the Third Circuit, *County of Monmouth, et al. v. Rite Aid Corp, et al.*, No. 23-01655 (3d. Cir.).

Dated: July 11, 2023

Respectfully submitted,

**SCOTT+SCOTT
ATTORNEYS AT LAW LLP**

s/ Joseph P. Guglielmo

Joseph P. Guglielmo (*pro hac vice*)
Carey Alexander (*pro hac vice*)
Amanda M. Rolon (*pro hac vice*)
Ethan Binder (*pro hac vice*)
The Helmsley Building
230 Park Avenue, 17th Floor
New York, NY 10169
Telephone: (212)-223-6444
Facsimile: (212)-223-6334
jguglielmo@scott-scott.com
calexander@scott-scott.com
arolon@scott-scott.com
ebinder@scott-scott.com

Erin Green Comite (*pro hac vice*)

**SCOTT+SCOTT
ATTORNEYS AT LAW LLP**

156 South Main Street
P.O. Box 192
Colchester, CT 06415
Telephone: (860) 537-5537
Facsimile: (860) 537-4432
ecomite@scott-scott.com

Mark J. Dearman

Stuart A. Davidson (*pro hac vice*)

**ROBBINS GELLER RUDMAN
& DOWD LLP**

120 East Palmetto Park Road, Suite 500
Boca Raton, FL 33432
Telephone: (561) 750-3000
Facsimile: (561) 750-3364
mdearman@rgrdlaw.com
sdavidson@rgrdlaw.com

David W. Mitchell (*pro hac vice*)

Arthur L. Shingler III (*pro hac vice*)

ROBBINS GELLER RUDMAN

HUNTON ANDREWS KURTH LLP

s/ Thomas R. Waskom

Thomas R. Waskom (PA Bar #321664)
951 E. Byrd Street
Richmond, VA 23219
Telephone: 804-788-8200
Facsimile: 804-788-8218
twaskom@huntonak.com

HUNTON ANDREWS KURTH LLP

Neil K. Gilman (*pro hac vice*)
Christopher J. Dufek (PA Bar # 316902)
Destiny T. Stokes (*pro hac vice*)
2200 Pennsylvania Avenue, N.W.
Washington, D.C. 20037
Telephone: 202-955-1500
Facsimile: 202-778-2201
ngilman@huntonak.com
cdufek@huntonak.com
dstokes@huntonak.com

HUNTON ANDREWS KURTH LLP

John B. Shely (*pro hac vice*)
Courtney B. Glaser (*pro hac vice*)
Kelsey J. Hope (*pro hac vice*)
600 Travis Street
Houston, TX 77002
Telephone: 713-220-4200
Facsimile: 713-220-4285
jshely@huntonak.com
courtneyglaser@huntonak.com
kelseyhope@huntonak.com

*Attorneys for Defendants Rite Aid Corporation
and Rite Aid Hdqtrs Corp.*

& DOWD LLP

655 West Broadway, Suite 1900
San Diego, CA 92101
Telephone: (619) 231-1058
Facsimile: (619) 231-7423
davidm@rgrdlaw.com
ashingler@rgrdlaw.com

Charles E. Schaffer (*pro hac vice*)
David C. Magagna, Jr. (*pro hac vice*)
LEVIN SEDRAN & BERMAN, LLP
510 Walnut Street – Suite 500
Philadelphia, PA 19106
Telephone: (215) 592-1500
Facsimile: (215) 592-4663
cschaffer@lfsblaw.com
dmagagna@lfsblaw.com

George C. Aguilar (*pro hac vice*)
ROBBINS LLP
5040 Shoreham Place
San Diego, CA 92122
Telephone: (619) 525-3990
Facsimile: (619) 525-3991
gaguilar@robbinsllp.com

Lance A. Harke (*pro hac vice*)
HARKE PA
9699 NE Second Avenue
Miami Shores, FL 33138
Telephone: (305) 536-8220
Facsimile: (305) 536-8229
lharke@harkepa.com

Attorneys for Plaintiffs

SO ORDERED:

Dated: _____, 2023

HON. MITCHELL S. GOLDBERG, J.
United States District Judge